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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/965,985 | 09/28/2001 | Ryoji Suzuki | YAO-4346US | 5163 |

7590 06/13/2005

Ratner & Prestia
One Westlakes, Berwyn
Suite 301
P.O. Box 980
Valley Forge, PA 19482-0980

| EXAMINER |
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CATHEY II, PATRICK H

| ART UNIT | PAPER NUMBER |
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2613

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---|--------------------------------------|--|
| Office Action Summary | Application No. 09/965,985 | Applicant(s) SUZUKI, RYOJI | |
| | Examiner Patrick H. Cathey II | Art Unit 2613 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7 and 9-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7 and 9-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed on January 5th, 2005 have been fully considered but they are not persuasive.

Regarding Claim 2 being added to Claim 1, van den Branden et al. teach GUI displays using a frame-by-frame basis in order to display information relating to the bit rate as well as the still or motion picture (Column 14, line 27 to Column 15, line 5). The ability to have both of these images displayed on the same screen teaches a function that adds these two displays on the same screen in order to view both sources of information at the same time.

Regarding selecting and outputting either the number of bits included in the picture corresponding to the still picture or the average bit rate per predetermined time unit, van den Branden et al. teach many GUI displays available to be used. If it is required to display the number of bits included in the picture corresponding to the still picture without the average bit rate per predetermined time unit then one could choose the display shown in Figure 9. However, even though these two values are both shown on the same display, it would not hinder one to select and display either of these two values and just have them shown on the display in Figure 13.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim's 1, 2, 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by van den Branden et al. (US 6,011,868).

Van den Branden et al. teaches converting the MPEG video bitstream into the necessary format to generate a video signal (Column 5, lines 33-54). He then teaches detecting and displaying the picture type of a picture, the number of bits calculated and the bit rate calculated from the video stream (Column 14, line 63 to Column 15, line 5). He also teaches displaying the video picture at the same time the data for the picture type, number of bits and bit rate are being calculated and displayed (Column 14, lines 27-36). The bit rate must have an addition section in order to calculate the bit rate because there is a smoothed average bit rate produced from the accumulation of adding and dividing the data (Column 15, lines 1-5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim's 3-6 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over van den Branden et al.

Van den Branden et al. teaches GOP, picture and sequence headers that can be viewed on the display (Column 3, lines 46-51; see also Figure 9). He also show that an I frame comes directly after a GOP header (Column 7, lines 55-59). This shows that the start of the GOP is a new frame because the I-frame is used at the beginning of the GOP. This shows the picture start point of the GOP. The Figures 9-19 show various formats and options that can be displayed on the display. This gives you the option of showing the bit rate and the number of bits on one display (Figure 13) or the option of showing just the bit rate without the number of bits displayed (Figure 9). He also shows a timing means in order to make the calculation of the bit rate because there must be a timing means in order to calculate the smoothed average value (Column 15, lines 1-5). Figure 1 also shows that there is timing in the video bitstream. Although van den Branden et al. fails to specifically teach counting based on a starting point, it appears that frame bit counting can take place for every frame (Figure 13, area 410). Since it appears logical to start counting at the start frame, not within the frame, it would have been obvious to one of ordinary skill to start counting at the start of a frame to get an accurate count.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick H. Cathey II whose telephone number is (571)272-7326. The examiner can normally be reached on M-F 7:30 to 5:00 (Every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571)272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patrick H. Cathey II
Examiner
Art Unit 2613

PHC

MEHRDAD DASTOURI
PRIMARY EXAMINER

Mehrdad Dastouri